

REMARKSObjections to Claims 1 and 34

Applicant has amended claims 1 and 34 to address the Patent Office's objection to the lettering of certain limitations in these claims. This occurred as a result of a typographical error in the previous response to the Office Action mailed on January 23, 2003. Applicant has amended claims 1 and 34 to alleviate this objection. Applicant has also amended claims 2, 3, 6-8, and 34 to correct typographical errors.

Rejection of Claims 1-3, 9-10, 13-26, and 34-36 Under 35 U.S.C. § 102(b) – Randelman

The Patent Office has rejected claims 1-3, 9-10, 13-26, and 34-36 under 35 U.S.C. § 102(b) as being anticipated by Randelman (U.S. Patent No. 5,072,380).

Applicant has amended claims 1 and 34, the only independent claims pending in this application, to further clarify the claimed invention to address the distinction between the claimed invention and Randelman. The other pending claims depend either directly or indirectly on claims 1 and 34.

Claim 1 and 34 have been amended to provide the further limitation that the transaction is not further carried out (i.e. performed) if the transaction does not conform to the transaction guideline or limitation. The purpose of the present invention to prevent a transaction from occurring or further being carried out once the transaction goes astray of the transaction guideline or limitation that is obtained from the remote communication unit. Some guidelines or limitations, such as fuel type for example, are known to be conforming or non-conforming with a requested transaction before the transaction is carried out. Other guidelines or limitations may not be known to be conformed with until after the transaction has started, in which case the transaction will not be further carried out once it is learned that the transaction does not conform with the guideline or limitation, as claimed in the claims of the present application.

Randelman does at column 4, lines 40-55, discuss a vehicle being interrogated at the validation point a second time for verification as well as billing information being verified (see, also, Figure 3, decision 38). However, the process disclosed in Randelman does not condition the carrying out of the transaction based on this validation, like that of the claimed invention. The only steps that are not performed if validation is not proper are the information and billing recordation

aspects, which is not the transaction that was requested, but merely a record of the transaction. The performance of the transaction requested is not conditioned on the validation in decision 38 in Figure 3. This is further evidenced by the steps that are taken in Figures 3 and 4 after a proper validation is made at decision 38 in Figure 3.

The Patent Office also seems to state on page 4 of the Office Action mailed on November 5, 2003 that a conventional gas station operation with credit and debit cards read on the claimed invention in combination with Randelman. However, credit and debit cards are not "predefined transaction limitations or guidelines." Credit and debit cards store account information, not transaction limitations or guidelines. Further, Randelman does not implement limitations or guidelines that prevent carrying out of the transaction as discussed above.

Therefore, claims 1-3, 6-8, 16-24, and 34-36 are patentable over Randelman since these claims include at least one limitation that is not disclosed, either expressly or inherently in Randelman.

Rejection of Claims 6-8 Under 35 U.S.C. § 103(a) – Randelman

The Patent Office rejected claims 6-8 under 35 U.S.C. § 103(a) in view of Randelman. Claims 6-8 depend from claim 1, either directly or indirectly. Therefore, Randelman cannot be used to maintain this rejection of claims 6-8 since claims 6-8 contain at least one limitation that is not suggested or taught in the prior art used for this obviousness rejection. MPEP § 2143.03.

Rejection of Claims 27-28 Under 35 U.S.C. § 103(a) – Randelman

The Patent Office rejected claims 27-28 under 35 U.S.C. § 103(a) in view of Randelman. Claims 27-28 depend from claim 1, either directly or indirectly. Therefore, Randelman cannot be used to maintain this rejection of claims 27-28 since claims 27-28 contain at least one limitation that is not suggested or taught in the prior art used for this obviousness rejection. MPEP § 2143.03.

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